

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK_____
ROBERT LEVINS, SEAN LEVINS, and THOMAS
LEVINS

Plaintiffs,

-against-

THE DIOCESE OF ROCKVILLE CENTRE and
INFANT JESUS ROMAN CATHOLIC CHURCH,Defendants.
_____X

Date Index No. Purchased:

Index No.:

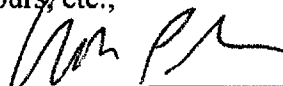
Plaintiff designates Suffolk
County as the place of trial.The basis of venue is
Defendant's residence.**SUMMONS**

The Above-Named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
September 18, 2019

Yours, etc.,

By: Adam P. Slater, Esq.
SLATER SLATER SCHULMAN LLP
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-and-

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CERTAIN & ZILBERG, PLLC
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TO:

THE DIOCESE OF ROCKVILLE CENTRE

50 North Park Avenue

Rockville Centre, New York 11571

INFANT JESUS ROMAN CATHOLIC CHURCH

110 Myrtle Avenue

Port Jefferson, New York 11777

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK_____
XROBERT LEVINS, SEAN LEVINS, and THOMAS
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Plaintiffs,

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VERIFIED COMPLAINTTHE DIOCESE OF ROCKVILLE CENTRE and
INFANT JESUS ROMAN CATHOLIC CHURCH,

Defendants.

X

Plaintiffs, Robert Levins, Sean Levins, and Thomas Levins (collectively "Plaintiffs"), by their attorneys Slater Slater Schulman LLP and Certain & Zilberg, PLLC, bring this action against the Diocese of Rockville Centre ("Diocese") and Infant Jesus Roman Catholic Church ("Church") and allege, on personal knowledge as to themselves and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This action is brought pursuant to the Children Victims Act ("CVA") (L. 2019 c. 11). *See* CPLR § 214-g and 22 NYCRR 202.72.
2. This Court has personal jurisdiction over the Diocese pursuant to CPLR §§ 301 and 302, in that the Diocese either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.
3. This Court has personal jurisdiction over the Church pursuant to CPLR §§ 301 and 302, in that the Church either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

4. This Court has jurisdiction over this action because the amount of damages Plaintiffs seek exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

5. Venue for this action is proper in the County of Suffolk pursuant to CPLR § 503 in that one or more defendants reside in this County, and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

PARTIES

6. Whenever reference is made to any defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business affairs.

7. Plaintiff, Robert Levins, is an individual residing in Berks County, Pennsylvania. Robert Levins was an infant at the time of the sexual abuse alleged herein.

8. Plaintiff, Sean Levins, is an individual residing in Indian River County, Florida. Sean Levins was an infant at the time of the sexual abuse alleged herein.

9. Plaintiff, Thomas Levins, is an individual residing in Lancaster County, Pennsylvania. Thomas Levins was an infant at the time of the sexual abuse alleged herein.

10. At all times material to the Verified Complaint, Diocese was and continues to be a non-profit religious corporation, organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

11. At all times material to the Verified Complaint, Diocese was and remains authorized to conduct business under the laws of the State of New York.

12. At all times material to the Verified Complaint, Diocese's principal place of business is 50 North Park Avenue, Rockville Centre, New York 11571.

13. The Diocese oversees a variety of liturgical, sacramental, educational, and faith formation programs.

14. The Diocese has various programs that seek out the participation of children in its activities.

15. The Diocese, through its agents, servants, and/or employees has control over those activities involving children.

16. The Diocese has the power to employ individuals who work with children, and/or provide guidance and/or instruction under the auspices of defendant Diocese, including but not limited to those at the Church.

17. At all times material to the Verified Complaint, the Church was and continues to be a religious New York State non-profit entity.

18. At all times material to the Verified Complaint, the Church maintained its principal place of business at 110 Myrtle Avenue, Port Jefferson, New York 11777

19. At all times material to the Verified Complaint, the Church is a parish operating under the control of the Diocese.

20. At all times material to the Verified Complaint, the Church is a parish operating for the benefit of the Diocese.

21. At all times material to the Verified Complaint, Brother Antonio Antonucci was an agent, servant, and/or employee of the Church.

22. At all times material to the Verified Complaint, Brother Antonio Antonucci was an agent, servant, and/or employee of the Diocese.

23. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Church, Brother Antonio Antonucci remained under the control and supervision of the Diocese.

24. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Church, Brother Antonio Antonucci remained under the control and supervision of the Church.

25. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Brother Antonio Antonucci remained under the control and supervision of the Diocese.

26. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Brother Antonio Antonucci remained under the control and supervision of the Church.

27. The Church placed Brother Antonio Antonucci in positions where he had immediate access to children.

28. The Diocese placed Brother Antonio Antonucci in positions where he had immediate access to children.

**THE CATHOLIC CHURCH'S LONG HISTORY
OF COVERING UP CHILD SEXUAL ABUSE**

29. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops throughout the world including the Bishop of the Diocese. The instruction was binding upon the Bishop of the Diocese. The instruction directed that allegations and reports of sexual abuse of

children by priests were required to be kept secret and not disclosed either to civil authorities such as law enforcement, to co-employees or supervisors of parish priests, or to parishioners generally.

30. Canon law requires Bishops to keep *subsecreto* files also known as confidential files. These files are not to be made public.

31. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church and other organizations sponsored treatment centers for priests that had been involved in sexual misconduct, including centers in Albuquerque, New Mexico, Suitland, Maryland, Downingtown Pennsylvania, and Ontario, Canada.

32. Sexual abuse of members of the public by Catholic clergy and agents of the Church has been a reality in the Catholic Church for centuries but has remained concealed by a pattern and practice of secrecy. This secrecy is rooted in the official policies of the Catholic Church which are applicable to all dioceses and in fact are part of the practices of each diocese, including the Diocese. Sexual abuse of minors by Catholic clergy and religious leaders became publicly known in the mid 1980's as a result of media coverage of a case in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy sexual abuse throughout the United States. In spite of these revelations as well as the many criminal and civil legal-actions the Church has been involved in as a result of clergy sexual abuse of minors, by clergy and other agents of the Church, the bishops and other Church leaders continued to pursue a policy of secrecy.

33. All of the procedures required in the so-called "Dallas Charter" to purportedly protect children have been previously mandated in the Code of Canon Law but were consistently ignored by Catholic bishops. In place of the required processes, which would have kept a written record of cases of clergy sexual abuse, the bishops applied a policy of clandestine transfer of accused priests from one local or diocesan assignment to another or from one diocese to another.

The receiving parishioners and often the receiving pastors were not informed of any accusations of sexual abuse of minors.

34. The truth concerning the extent of the frequency of sexual abuse at the hands of Catholic priests, other clergy and agents of the Church, and the Catholic Church's pervasive campaign to cover up such crimes continues to be revealed. In approximately 2003, the Suffolk County Supreme Court Special Grand Jury issued a Report ("Grand Jury Report"), which investigated child sexual abuse by the Diocese's priests. The Report documented the Diocese's cover up of sexual abuse. In the course of the Grand Jury investigation, it heard testimony from 97 witnesses and considered hundreds of pages of documents regarding priests of the Diocese sexually violating children.

35. The Grand Jury Report contains a number of startling observations and conclusions, including:

- "A general failure of supervision from officials of the Diocese, to individual pastors and other priests living in rectories, compounded and perpetuated these violations with devastating consequences for children."
- "Priests committed crimes against children of the Diocese. These crimes were treated as a matter of sin and never reported to law enforcement authorities."
- "The culture of the Diocese was one of secrecy and obfuscation. Diocesan officials purposely withheld information from parishioners and from their own priests and pastors."
- "Most children did not report the crimes against them until long after the criminal statute of limitations had lapsed. Those who did were promised help but received little. Instead, they were ignored, belittled and revictimized."
- "In some cases... the Diocese procrastinated for the sole purpose of making sure that the civil and criminal statutes of limitation were no longer applicable in the cases."
- "The policy was to avoid scandal by the suppression of information. Priests and Diocesan officials lied about what they knew about sexually abusive priests to their parishioners and to the public at large. This policy put children at grave risk."

- “The response of priests in the Diocesan hierarchy to allegations of criminal sexual abuse was no pastoral. In fact, although there was a written policy that set forth a pastoral tone, it was a sham.”
- “Abusive priests were protected under the guise of confidentiality; their histories mired in secrecy. Professional treatment recommendations were ignored, and dangerous priests allowed to minister to children.”

36. In approximately 2004, the Diocese publicly admitted that it knew of 66 priests who worked in the Diocese who had been accused of sexually molesting minors. The Diocese has never publicly released those names. As a result, children are at risk of being sexually molested. Further, the public is placed under the mistaken belief that Defendants do not have undisclosed knowledge of clerics who present a danger to children.

37. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics has been one way utilized by Defendant to maintain secrecy. Another has been to use various forms of persuasion on victims or their families to convince them to remain silent about incidents of abuse. These forms of persuasion have included methods that have ranged from sympathetic attempts to gain silence to direct intimidation to various kinds of threats. In so doing the clergy involved, from bishops to priests, have relied on their power to overwhelm victims and their families.

38. The sexual abuse of children and the Catholic Church’s abhorrent culture of concealing these crimes are at the heart of the allegations complained of herein.

39. The Child Victims Act was enacted for the explicit purpose of providing survivors of child sexual abuse with the recourse to bring a private right of action against the sexual predators who abused them and the institutions that concealed their crimes.

FACTS COMMON TO ALL PLAINTIFFS

40. Plaintiffs were raised in a devout Roman Catholic family and, in or around 1977 or 1978 when Plaintiffs were all infants, as defined by the State of New York as a person under 17-years of age, Plaintiffs were introduced to Brother Antonio Antonucci through a youth program at the Church, a church within and under the auspices of the Diocese.

41. At all relevant times, Plaintiffs participated in youth activities organized, sponsored, and/or promoted by the Church.

42. Plaintiffs received educational and religious instruction from the Church.

43. Brother Antonio Antonucci, under the auspices of the Church, provided educational and religious instruction to the infant plaintiffs.

44. During and through these activities, Plaintiffs, as minor and vulnerable children, were dependent on the Church and Brother Antonio Antonucci.

45. During and through these activities the Church had physical custody of Plaintiffs and accepted the entrustment of Plaintiffs.

46. During and through these activities, the Church had assumed the responsibility of caring for Plaintiffs and had authority over them.

47. During and through these educational and religious instructional activities, Plaintiffs, as minor and vulnerable children, were dependent on the Diocese and Brother Antonio Antonucci. During and through these activities the Diocese had physical custody of Plaintiffs and accepted the entrustment of Plaintiffs.

48. During and through these activities, the Diocese had responsibility of Plaintiffs and authority over them.

49. Through Brother Antonio Antonucci's positions at, within, or for the Church, Brother Antonio Antonucci was put in direct contact with Plaintiffs. It was under these circumstances that Plaintiffs came to be under the direction, contact, and control of Brother Antonio Antonucci, who used his position of authority and trust over Plaintiffs to sexually abuse and harass Plaintiffs.

50. Through Brother Antonio Antonucci's positions at, within, or for the Diocese, Brother Antonio Antonucci was put in direct contact with Plaintiffs. It was under these circumstances that Plaintiffs came to be under the direction, contact, and control of Brother Antonio Antonucci, who used his position of authority and trust over Plaintiffs to sexually abuse and harass Plaintiffs.

51. While Plaintiffs were minors, Brother Antonio Antonucci while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Church sexually assaulted, sexually abused and/or had sexual contact with Plaintiffs in violation of the laws of the State of New York, including the New York State Penal Law.

52. While Plaintiffs were minors, Brother Antonio Antonucci while acting as a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of the Diocese sexually assaulted, sexually abused and/or had sexual contact with Plaintiffs in violation of the laws of the State of New York, including the New York State Penal Law.

53. The abuse occurred in or about 1977 or 1978.

54. Plaintiffs' relationship to the Church, as vulnerable minors and participants in Church educational and religious instructional activities, was one in which Plaintiffs were subject to the Church's ongoing influence. The dominating culture of the Catholic Church over Plaintiffs pressured Plaintiffs not to report Brother Antonio Antonucci's sexual abuse of them.

55. Plaintiffs' relationship to the Diocese, as vulnerable minors, and participants in Church educational and religious instructional activities, was one in which Plaintiffs were subject to the Diocese's ongoing influence. The dominating culture of the Catholic Church over Plaintiffs pressured Plaintiffs not to report Brother Antonio Antonucci's sexual abuse of them.

56. At no time did the Diocese ever send an official, a member of the clergy, an investigator or any employee or independent contractor to the Church to advise or provide any form of notice to the parishioners either verbally or in writing that there were credible allegations against Brother Antonio Antonucci and to request that anyone who saw, suspected or suffered sexual abuse to come forward and file a report with the police department. Rather, the Diocese remained silent.

57. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Church.

58. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Diocese.

59. The Church knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Brother Antonio Antonucci who sexually abused Plaintiffs.

60. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Brother Antonio Antonucci who sexually abused Plaintiffs.

61. The Church negligently or recklessly believed that Brother Antonio Antonucci was fit to work with children and/or that any previous problems he had were fixed and cured; that

Brother Antonio Antonucci would not sexually molest children; and that Brother Antonio Antonucci would not injure children.

62. The Diocese negligently or recklessly believed that Brother Antonio Antonucci was fit to work with children and/or that any previous problems he had were fixed and cured; that Brother Antonio Antonucci would not sexually molest children; and that Brother Antonio Antonucci would not injure children.

63. The Church had the responsibility to supervise and/or direct priests serving at the Church, and specifically, had a duty not to aid a pedophile such as Brother Antonio Antonucci, by assigning, maintaining and/or appointing him to a position with access to minors.

64. The Diocese had the responsibility to supervise and/or direct priests serving at the Church, and specifically, had a duty not to aid a pedophile such as Brother Antonio Antonucci, by assigning, maintaining and/or appointing him to a position with access to minors.

65. By holding Brother Antonio Antonucci out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiffs, the Church entered into a fiduciary relationship with the minor Plaintiffs. As a result of Plaintiffs' being a minor, and by the Church undertaking the care and guidance of the vulnerable minor Plaintiffs, the Church held a position of empowerment over Plaintiffs.

66. By holding Brother Antonio Antonucci out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiffs, the Diocese entered into a fiduciary relationship with the minor Plaintiffs. As a result of Plaintiffs' being a minor, and by the Diocese undertaking the care and guidance of the vulnerable minor Plaintiffs, the Diocese held a position of empowerment over Plaintiffs.

67. The Church, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiffs from effectively protecting themselves. The Church thus entered into a fiduciary relationship with Plaintiffs.

68. The Diocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiffs from effectively protecting themselves. The Diocese thus entered into a fiduciary relationship with Plaintiffs.

69. The Church had a special relationship with Plaintiffs.

70. The Diocese had a special relationship with Plaintiffs.

71. The Church owed Plaintiffs a duty of reasonable care because the Church had superior knowledge about the risk that Brother Antonio Antonucci posed to Plaintiffs, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

72. The Diocese owed Plaintiffs a duty of reasonable care because the Diocese had superior knowledge about the risk that Brother Antonio Antonucci posed to Plaintiffs, the risk of abuse in general in its programs, and/or the risks that its facilities posed to minor children.

73. The Church owed Plaintiffs a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiffs; promoted its facilities and programs as being safe for children; held its agents including Brother Antonio Antonucci out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Brother Antonio Antonucci, to spend time with, interact with, and recruit children.

74. The Diocese owed Plaintiffs a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiffs; promoted its facilities and programs as being safe for children; held its agents including Brother Antonio Antonucci out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Brother Antonio Antonucci, to spend time with, interact with, and recruit children.

75. The Church owed Plaintiffs a duty to protect Plaintiffs from harm because the Church's actions created a foreseeable risk of harm to Plaintiffs.

76. The Diocese owed Plaintiffs a duty to protect Plaintiffs from harm because the Diocese's actions created a foreseeable risk of harm to Plaintiffs.

77. The Church's breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the Church, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

78. The Diocese's breach of its duties include, but are not limited to: failure to have sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make sure that the policies and procedures to prevent child sexual abuse were working, failure to adequately inform families and children of the risks of child sexual abuse, failure to investigate risks of child sexual abuse, failure to properly train the workers at institutions and programs within the Diocese, geographical confines, failure to protect children in its programs from child sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child molestation by fellow employees, failure by relying on mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

79. The Church also breached its duties to Plaintiffs by failing to warn Plaintiffs and Plaintiffs' family of the risk that Brother Antonio Antonucci posed and the risks of child sexual abuse by clerics. The Church also failed to warn Plaintiffs and Plaintiffs' family about any of the knowledge that it had about child sexual abuse.

80. The Diocese also breached its duties to Plaintiffs by failing to warn Plaintiffs and Plaintiffs' family of the risk that Brother Antonio Antonucci posed and the risks of child sexual abuse by clerics. The Diocese also failed to warn Plaintiffs about any of the knowledge that it had about child sexual abuse.

81. The Church also violated a legal duty by failing to report known and/or suspected abuse of children by Brother Antonio Antonucci and/or its other agents to the police and law enforcement.

82. The Diocese also violated a legal duty by failing to report known and/or suspected abuse of children by Brother Antonio Antonucci and/or its other agents to the police and law enforcement.

83. By employing Brother Antonio Antonucci at the Church, and other facilities within the Diocese, the Diocese, through its agents, affirmatively represented to minor children and their families that Brother Antonio Antonucci did not pose a threat to children, did not have a history of molesting children, that the Diocese did not know that Brother Antonio Antonucci had a history of molesting children, and that the Diocese did not know that Brother Antonio Antonucci was a danger to children.

84. By employing Brother Antonio Antonucci at the Church, the Church through its agents, affirmatively represented to minor children and their families that Brother Antonio Antonucci did not pose a threat to children, did not have a history of molesting children, that the Church did not know that Brother Antonio Antonucci had a history of molesting children, and that the Church did not know that Brother Antonio Antonucci was a danger to children.

85. The Church induced Plaintiffs and Plaintiffs' family to rely on these representations and did rely on them.

86. The Diocese has never publicly admitted the veracity of the allegations against Brother Antonio Antonucci, warned the public and/or conducted outreach to potential victims of his sexual abuse. The pattern and practice of intentionally failing to disclose the identities and locations of sexually inappropriate and/or abusive clerics has been practiced by the Diocese for decades and continues through current day. The failure to disclose the identities of allegedly sexually inappropriate and/or abusive clerics is unreasonable and knowingly or recklessly creates

or maintains a condition which endangers the safety or health of a considerable number of members of the public, including Plaintiff.

87. By allowing Brother Antonio Antonucci to remain in active ministry, the Diocese, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiffs and Plaintiffs' family, that Brother Antonio Antonucci does not pose a threat to children, does not have a history of molesting children, that the Diocese does not know that Brother Antonio Antonucci has a history of molesting children and that the Diocese does not know that Brother Antonio Antonucci is a danger to children.

88. The Diocese induced Plaintiffs and Plaintiffs' family to rely on these representations and they did rely on them.

89. By allowing Brother Antonio Antonucci to remain in active ministry, the Church, through its agents, has made and continues to make affirmative representations to minor children and their families, including Plaintiffs and Plaintiffs' family, that Brother Antonio Antonucci does not pose a threat to children, does not have a history of molesting children, that the Church does not know that Brother Antonio Antonucci has a history of molesting children and that the Church does not know that Brother Antonio Antonucci is a danger to children.

90. The Diocese ignored credible complaints about the sexually abusive behaviors of priests.

91. The Church ignored credible complaints about the sexually abusive behaviors of priests.

92. The Diocese failed to act on obvious warning signs of sexual abuse, including instances where it was aware that priests had children in its private rooms in the rectory overnight, that priests were drinking alcohol with underage children and exposing them to pornography.

93. The Church failed to act on obvious warning signs of sexual abuse, including instances where it was aware that priests had children in its private rooms in the rectory overnight, that priests were drinking alcohol with underage children and exposing them to pornography.

94. Even where a priest disclosed sexually abusive behavior with children, Diocese officials failed to act to remove him from ministry.

95. Even where a priest disclosed sexually abusive behavior with children, Church officials failed to act to remove him from ministry.

96. The Diocese engaged in conduct that resulted in the prevention, hinderance and delay in the discovery of criminal conduct by priests.

97. The Church engaged in conduct that resulted in the prevention, hinderance and delay in the discovery of criminal conduct by priests.

98. The Diocese conceived and agreed to a plan using deception and intimidation to prevent victims from seeking legal solutions to their problems.

99. The Church conceived and agreed to a plan using deception and intimidation to prevent victims from seeking legal solutions to their problems.

100. As a result of Defendants' conduct described herein, Plaintiffs have and will continue to suffer personal physical and psychological injuries, including but not limited to great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, problems sleeping, concentrating, low self-confidence, low self-respect, low self-esteem, feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing faith in God, losing faith in authority figures, feeling estranged from the church, struggling with alcohol and substance problems, struggling with gainful employment and career advancement, feeling helpless, and hopeless, problems with sexual intimacy, relationship

problems, trust issues, feeling confused and angry, depression, anxiety, feeling dirty, used, and damaged, suicidal ideations, having traumatic flashbacks, feeling that their childhood and innocence was stolen. Plaintiffs were prevented and will continue to be prevented from performing Plaintiff's normal daily activities; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendants' misconduct, Plaintiffs are unable at this time to fully describe all the details of that abuse and the extent of the harm Plaintiffs suffered as a result.

101. The Church violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care workers to report suspected cases of child abuse and impose liability for failure to report.

102. The Diocese violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, *inter alia*, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care workers to report suspected cases of child abuse and impose liability for failure to report.

103. The injuries and damages suffered by Plaintiffs are specific in kind to Plaintiffs, special, peculiar, and above and beyond those injuries and damages suffered by the public.

104. The limitations of liability set forth in Article 16 of the CPLR do not apply to the causes of action alleged herein.

FIRST CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS:
NEGLIGENCE

105. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

106. The Church knew, or was negligent in not knowing, that Brother Antonio Antonucci posed a threat of sexual abuse to children.

107. The Diocese knew, or was negligent in not knowing, that Brother Antonio Antonucci posed a threat of sexual abuse to children.

108. The acts of Brother Antonio Antonucci described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Church.

109. The acts of Brother Antonio Antonucci described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.

110. The Church owed Robert Levins a duty to protect him from Brother Antonio Antonucci's sexual deviancy, both prior to and/or subsequent to Brother Antonio Antonucci's misconduct.

111. The Diocese owed Robert Levins a duty to protect him from Brother Antonio Antonucci's sexual deviancy, both prior to and/or subsequent to Brother Antonio Antonucci's misconduct.

112. The Church's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

113. The Diocese's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

114. At all times material hereto, with regard to the allegations contained herein, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Church.

115. At all times material hereto, with regard to the allegations contained herein, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Diocese.

116. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff, Robert Levins.

117. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff, Robert Levins.

118. As a direct and/or indirect result of said conduct, Robert Levins has suffered the injuries and damages described herein.

119. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, are liable to Robert Levins for compensatory damages and for punitive damages, together with interest and costs.

**SECOND CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS: NEGLIGENT
HIRING, RETENTION, SUPERVISION, AND/OR DIRECTION**

120. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

121. The Church hired Brother Antonio Antonucci.

122. The Diocese hired Brother Antonio Antonucci.

123. The Church hired Brother Antonio Antonucci for a position that required him to work closely with, mentor, and counsel young boys and girls.

124. The Diocese hired Brother Antonio Antonucci for a position that required him to work closely with, mentor, and counsel young boys and girls.

125. The Church was negligent in hiring Brother Antonio Antonucci because it knew, or should have known through the exercise of reasonable care, of Brother Antonio Antonucci's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

126. The Diocese was negligent in hiring Brother Antonio Antonucci because it knew, or should have known through the exercise of reasonable care, of Brother Antonio Antonucci's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

127. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Robert Levins had he not been hired by the Church to mentor and counsel children in the Church.

128. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Robert Levins had he not been hired by Diocese to mentor and counsel children in the Church.

129. The harm complained of herein was foreseeable.

130. Robert Levins would have not suffered the foreseeable harm complained of herein but for the negligence of the Church in having placed Brother Antonio Antonucci, and/or allowed Brother Antonio Antonucci to remain in his position.

131. Robert Levins would have not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Brother Antonio Antonucci, and/or allowed Brother Antonio Antonucci to remain in his position.

132. At all times while Brother Antonio Antonucci was employed or appointed by the Church, he was supervised by the Church and/or its agents and employees.

133. At all times while Brother Antonio Antonucci was employed or appointed by the Church, he was under the direction of, and/or answerable to, the Church and/or its agents and employees.

134. At all times while Brother Antonio Antonucci was employed or appointed by the Diocese, he was supervised by the Diocese and/or its agents and employees.

135. At all times while Brother Antonio Antonucci was employed or appointed by the Diocese, he was under the direction of, and/or answerable to, the Diocese and/or its agents and employees.

136. The Church was negligent in its direction and/or supervision of Brother Antonio Antonucci in that it knew or should have known, through the exercise of ordinary care that Brother Antonio Antonucci's conduct would subject third parties to an unreasonable risk of harm, including Brother Antonio Antonucci's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

137. The Church failed to take steps to prevent such conduct from occurring.

138. The Diocese was negligent in its direction and/or supervision of Brother Antonio Antonucci in that it knew or should have known, through the exercise of ordinary care, that Brother Antonio Antonucci's conduct would subject third parties to an unreasonable risk of harm, including Brother Antonio Antonucci's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

139. The Diocese failed to take steps to prevent such conduct from occurring.

140. The Church was negligent in its retention of Brother Antonio Antonucci in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

141. The Church retained Brother Antonio Antonucci in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

142. The Diocese was negligent in its retention of Brother Antonio Antonucci in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

143. The Diocese retained Brother Antonio Antonucci in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

144. The Church was further negligent in its retention, supervision, and/or direction of Brother Antonio Antonucci in that Brother Antonio Antonucci sexually molested Plaintiff, Robert Levins.

145. The Church failed to take reasonable steps to prevent such events from occurring.

146. The Diocese was further negligent in its retention, supervision, and/or direction of Brother Antonio Antonucci in that Brother Antonio Antonucci sexually molested Plaintiff, Robert Levins.

147. The Diocese failed to take reasonable steps to prevent such events from occurring.

148. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Robert Levins had he not been negligently retained, supervised, and/or directed by

the Church as a mentor and counselor to the infant parishioners of the Church, including Robert Levins.

149. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Robert Levins had he not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners of the Diocese, including Robert Levins.

150. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff, Robert Levins, for compensatory damages and punitive damages, together with interest and costs.

**THIRD CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS:
BREACH OF FIDUCIARY DUTY**

151. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

152. Through the position to which Brother Antonio Antonucci was assigned by the Church, Brother Antonio Antonucci was placed in direct contact with Robert Levins.

153. Brother Antonio Antonucci was assigned as a priest at the Church, including as a teacher assigned to teach Robert Levins.

154. It was under these circumstances that Robert Levins was entrusted to the care of the Church and - under its authority - came to be under the direction, control and dominance of, Brother Antonio Antonucci.

155. As a result, Brother Antonio Antonucci used his position to sexually abuse and harass Robert Levins.

156. Through the position to which Brother Antonio Antonucci was assigned by the Diocese, Brother Antonio Antonucci was put in direct contact with Robert Levins, then a minor.

157. As a result, Brother Antonio Antonucci used his position to sexually abuse and harass Robert Levins.

158. There existed a fiduciary relationship of trust, confidence, and reliance between Robert Levins and the Church.

159. There existed a fiduciary relationship of trust, confidence, and reliance between Robert Levins and the Diocese.

160. Pursuant to its fiduciary relationship, the Church was entrusted with the well-being, care, and safety of Robert Levins.

161. Pursuant to its fiduciary relationship, the Diocese was entrusted with the well-being, care, and safety of Robert Levins.

162. Pursuant to its fiduciary relationship, the Church assumed a duty to act in the best interests of Robert Levins.

163. Pursuant to its fiduciary relationship, the Diocese assumed a duty to act in the best interests of Robert Levins.

164. The Church breached its fiduciary duties to Robert Levins.

165. The Diocese breached its fiduciary duties to Robert Levins.

166. At all times material hereto, the Church's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Robert Levins.

167. At all times material hereto, the Diocese's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Robert Levins.

168. As a direct result of said conduct, Robert Levins has suffered the injuries and damages described herein.

169. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Robert Levins for compensatory and punitive damages, together with interest and costs.

**FOURTH CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS:
BREACH OF NON-DELEGABLE DUTY**

170. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

171. Robert Levins, when a minor, was placed in the care of the Church for the purposes of, *inter alia*, providing Robert Levins with a safe environment to receive an education.

172. As a result, there existed a non-delegable duty of trust between Robert Levins and the Church.

173. When Robert Levins was a minor, he was placed in the care of the Diocese for the purposes of, *inter alia*, providing him with a safe environment to receive an education.

174. As a result, there existed a non-delegable duty of trust between Robert Levins and the Diocese.

175. Robert Levins was a vulnerable child when placed within the care of the Church.

176. Robert Levins was a vulnerable child when placed within the care of the Diocese.

177. Consequently, the Church was in the best position to prevent Robert Levins' abuse and to learn of Brother Antonio Antonucci's sexual abuse of Robert Levins and stop it.

178. Consequently, the Diocese was in the best position to prevent Robert Levins' abuse and to learn of Brother Antonio Antonucci's sexual abuse of Robert Levins and stop it.

179. By virtue of the fact that Robert Levins was sexually abused as a minor entrusted to the care of the Church, the Church breached its non-delegable duty to Robert Levins.

180. By virtue of the fact that Robert Levins was sexually abused as a minor entrusted to the care of the Diocese, the Diocese breached its non-delegable duty to Robert Levins.

181. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Church.

182. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Diocese.

183. As a direct result of said conduct, Robert Levins has suffered the injuries and damages described herein.

184. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

**FIFTH CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS:
BREACH OF DUTY IN LOCO PARENTIS**

185. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

186. Robert Levins was a minor when his parents entrusted him to the control of the Church for the purpose of, *inter alia*, providing him with counseling and education.

187. The Church owed a duty to adequately supervise its students to prevent foreseeable injuries.

188. As a result, the Church owed a duty to Robert Levins *in loco parentis*.

189. Robert Levins was a minor when his parents entrusted him to the control of the Diocese for the purposes of, *inter alia*, providing Plaintiff with counseling and education.

190. The Diocese owed a duty to adequately supervise its students to prevent foreseeable injuries.

191. As a result, the Diocese owed a duty to Robert Levins *in loco parentis*.

192. The Church breached its duty *in loco parentis*.

193. The Diocese breached its duty *in loco parentis*.

194. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Robert Levins.

195. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Robert Levins.

196. As a direct result of the Church's conduct, Robert Levins has suffered the injuries and damages described herein.

197. As a direct result of the Diocese's conduct, Robert Levins has suffered the injuries and damages described herein.

198. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Robert Levins for compensatory and punitive damages, together with interest and costs.

**SIXTH CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

199. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

200. At the time Brother Antonio Antonucci molested Robert Levins, which Brother Antonio Antonucci knew would cause, or disregarded the substantial probability that it would

cause, severe emotional distress, the Church employed Brother Antonio Antonucci as Robert Levins' mentor and counselor.

201. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Robert Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Church about his character that accompanied that position, to gain Robert Levins' trust and confidence and to create opportunities to violate him.

202. At the time Brother Antonio Antonucci molested Robert Levins, which Brother Antonio Antonucci knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Brother Antonio Antonucci as Robert Levins' mentor and counselor.

203. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Robert Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Robert Levins' trust and confidence and to create opportunities to violate Robert Levins.

204. The Church knew and/or disregarded the substantial probability that Brother Antonio Antonucci's conduct would cause severe emotional distress to Robert Levins.

205. The Diocese knew and/or disregarded the substantial probability that Brother Antonio Antonucci's conduct would cause severe emotional distress to Robert Levins.

206. Robert Levins suffered severe emotional distress, including psychological and emotional injury as described above.

207. This distress was caused by Brother Antonio Antonucci's sexual abuse of Robert Levins.

208. The sexual abuse of Robert Levins was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

209. The Church is liable for Brother Antonio Antonucci's conduct under the doctrine of *respondeat superior*.

210. The Diocese is liable for Brother Antonio Antonucci's conduct under the doctrine of *respondeat superior*.

211. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff Robert Levins for compensatory and punitive damages, together with interest and costs.

**SEVENTH CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

212. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

213. As set forth at length herein, the actions of the Church, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

214. As set forth at length herein, the actions of the Diocese, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

215. The Church's actions endangered Robert Levins' safety and caused him to fear for his own safety.

216. The Diocese's actions endangered Robert Levins' safety and caused him to fear for his own safety.

217. As a direct and proximate result of the Church's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Robert Levins suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

218. As a direct and proximate result of the Diocese's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Robert Levins suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

219. In addition to its own direct liability for negligently inflicting emotional distress on Robert Levins, the Church is also liable for Brother Antonio Antonucci's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

220. At the time Brother Antonio Antonucci breached his duty to Robert Levins, Brother Antonio Antonucci was employed as Robert Levins' mentor and counselor by the Church.

221. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Robert Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Church about his character that accompanied that position, to gain Robert Levins' trust and confidence and to create opportunities to be alone with, and touch, Robert Levins.

222. In addition to its own direct liability for negligently inflicting emotional distress on Robert Levins, the Diocese is also liable for Brother Antonio Antonucci's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

223. At the time Brother Antonio Antonucci breached his duty to Robert Levins, Brother Antonio Antonucci was employed as Robert Levins' mentor and counselor by the Diocese.

224. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Robert Levins' trust. Brother Antonio Antonucci used his position, and the representations made

by the Diocese about his character that accompanied that position, to gain Robert Levins' trust and confidence and to create opportunities to be alone with, and touch, Robert Levins.

225. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Robert Levins for compensatory damages, and for punitive damages, together with interest and costs.

**EIGHTH CAUSE OF ACTION AS TO PLAINTIFF ROBERT LEVINS:
BREACH OF STATUTORY DUTY TO REPORT ABUSE UNDER
SOC. SERV. LAW §§ 413 and 420**

226. Plaintiff Robert Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

227. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Church, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

228. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Diocese, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

229. The Church breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Brother Antonio Antonucci of children in its care.

230. The Diocese breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Brother Antonio Antonucci of children in its care.

231. As a direct and/or indirect result of said conduct, Robert Levins has suffered injuries and damages described herein.

232. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Robert Levins for compensatory damages and punitive damages, together with interest and costs.

**NINTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
NEGLIGENCE**

233. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

234. The Church knew or was negligent in not knowing that Brother Antonio Antonucci posed a threat of sexual abuse to children.

235. The Diocese knew or was negligent in not knowing that Brother Antonio Antonucci posed a threat of sexual abuse to children.

236. The acts of Brother Antonio Antonucci described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Church.

237. The acts of Brother Antonio Antonucci described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.

238. The Church owed Sean Levins a duty to protect him from Brother Antonio Antonucci's sexual deviancy, both prior to and/or subsequent to Brother Antonio Antonucci's misconduct.

239. The Diocese owed Sean Levins a duty to protect him from Brother Antonio Antonucci's sexual deviancy, both prior to and/or subsequent to Brother Antonio Antonucci's misconduct.

240. The Church's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

241. The Diocese's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

242. At all times material hereto, with regard to the allegations contained herein, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Church.

243. At all times material hereto, with regard to the allegations contained herein, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Diocese.

244. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, grossly negligent and outrageous in its disregard for the rights and safety of Plaintiff, Sean Levins.

245. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, grossly negligent and outrageous in its disregard for the rights and safety of Plaintiff, Sean Levins.

246. As a direct and/or indirect result of said conduct, Sean Levins has suffered the injuries and damages described herein.

247. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, are liable to Sean Levins for compensatory damages and punitive damages, together with interest and costs.

**TENTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
NEGLIGENT HIRING, RETENTION, SUPERVISION, AND/OR DIRECTION**

248. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

249. The Church hired Brother Antonio Antonucci.

250. The Diocese hired Brother Antonio Antonucci.

251. The Church hired Brother Antonio Antonucci for a position that required him to work closely with, mentor, and counsel young boys and girls.

252. The Diocese hired Brother Antonio Antonucci for a position that required him to work closely with, mentor, and counsel young boys and girls.

253. The Church was negligent in hiring Brother Antonio Antonucci because it knew, or should have known through the exercise of reasonable care, of Brother Antonio Antonucci's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

254. The Diocese was negligent in hiring Brother Antonio Antonucci because it knew, or should have known through the exercise of reasonable care, of Brother Antonio Antonucci's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

255. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Sean Levins had he not been hired by the Church to mentor and counsel children in the Church.

256. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Sean Levins had he not been hired by Diocese to mentor and counsel children in the Church.

257. The harm complained of herein was foreseeable.

258. Sean Levins would have not suffered the foreseeable harm complained of herein but for the negligence of the Church in having placed Brother Antonio Antonucci, and/or allowed Brother Antonio Antonucci to remain in his position.

259. Sean Levins would have not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Brother Antonio Antonucci, and/or allowed Brother Antonio Antonucci to remain in his position.

260. At all times while Brother Antonio Antonucci was employed or appointed by the Church, he was supervised by the Church and/or its agents and employees.

261. At all times while Brother Antonio Antonucci was employed or appointed by the Church, he was under the direction of, and/or answerable to, the Church and/or its agents and employees.

262. At all times while Brother Antonio Antonucci was employed or appointed by the Diocese, he was supervised by the Diocese and/or its agents and employees.

263. At all times while Brother Antonio Antonucci was employed or appointed by the Diocese, he was under the direction of, and/or answerable to, the Diocese and/or its agents and employees.

264. The Church was negligent in its direction and/or supervision of Brother Antonio Antonucci in that it knew, or should have known through the exercise of ordinary care, that Brother Antonio Antonucci's conduct would subject third parties to an unreasonable risk of harm, including Brother Antonio Antonucci's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

265. The Church failed to take steps to prevent such conduct from occurring.

266. The Diocese was negligent in its direction and/or supervision of Brother Antonio Antonucci in that it knew, or should have known through the exercise of ordinary care, that Brother Antonio Antonucci's conduct would subject third parties to an unreasonable risk of harm, including Brother Antonio Antonucci's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

267. The Diocese failed to take steps to prevent such conduct from occurring.

268. The Church was negligent in its retention of Brother Antonio Antonucci in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

269. The Church retained Brother Antonio Antonucci in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

270. The Diocese was negligent in its retention of Brother Antonio Antonucci in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

271. The Diocese retained Brother Antonio Antonucci in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

272. The Church was further negligent in its retention, supervision, and/or direction of Brother Antonio Antonucci in that Brother Antonio Antonucci sexually molested Plaintiff, Sean Levins.

273. The Church failed to take reasonable steps to prevent such events from occurring.

274. The Diocese was further negligent in its retention, supervision, and/or direction of Brother Antonio Antonucci in that Brother Antonio Antonucci sexually molested Plaintiff, Sean Levins.

275. The Diocese failed to take reasonable steps to prevent such events from occurring.

276. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Sean Levins had he not been negligently retained, supervised, and/or directed by the Church as a mentor and counselor to the infant parishioners of the Church, including Sean Levins.

277. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Sean Levins had he not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners of the Diocese, including Sean Levins.

278. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff, Sean Levins, for compensatory damages and punitive damages, together with interest and costs.

**ELEVENTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
BREACH OF FIDUCIARY DUTY**

279. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

280. Through the position to which Brother Antonio Antonucci was assigned by the Church, Brother Antonio Antonucci was placed in direct contact with Sean Levins.

281. Brother Antonio Antonucci was assigned as a priest at the Church, including as a teacher assigned to teach Sean Levins.

282. It was under these circumstances that Sean Levins was entrusted to the care of the Church and - under its authority - came to be under the direction, control and dominance of, Brother Antonio Antonucci.

283. As a result, Brother Antonio Antonucci used his position to sexually abuse and harass Sean Levins.

284. Through the position to which Brother Antonio Antonucci was assigned by the Diocese, Brother Antonio Antonucci was put in direct contact with Sean Levins, then a minor.

285. As a result, Brother Antonio Antonucci used his position to sexually abuse and harass Sean Levins.

286. There existed a fiduciary relationship of trust, confidence, and reliance between Sean Levins and the Church.

287. There existed a fiduciary relationship of trust, confidence, and reliance between Sean Levins and the Diocese.

288. Pursuant to its fiduciary relationship, the Church was entrusted with the well-being, care, and safety of Sean Levins.

289. Pursuant to its fiduciary relationship, the Diocese was entrusted with the well-being, care, and safety of Sean Levins.

290. Pursuant to its fiduciary relationship, the Church assumed a duty to act in the best interests of Sean Levins.

291. Pursuant to its fiduciary relationship, the Diocese assumed a duty to act in the best interests of Sean Levins.

292. The Church breached its fiduciary duties to Sean Levins.

293. The Diocese breached its fiduciary duties to Sean Levins.

294. At all times material hereto, the Church's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Sean Levins.

295. At all times material hereto, the Diocese's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Sean Levins.

296. As a direct result of said conduct, Sean Levins has suffered the injuries and damages described herein.

297. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Sean Levins for compensatory damages and punitive damages, together with interest and costs.

**TWELFTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
BREACH OF NON-DELEGABLE DUTY**

298. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

299. Sean Levins, when a minor, was placed in the care of the Church for the purposes of, inter alia, providing him with a safe environment to receive an education.

300. As a result, there existed a non-delegable duty of trust between Sean Levins and the Church.

301. When Sean Levins was a minor, he was placed in the care of the Diocese for the purposes of, inter alia, providing Plaintiff with a safe environment to receive an education.

302. As a result, there existed a non-delegable duty of trust between Sean Levins and the Diocese.

303. Sean Levins was a vulnerable child when placed within the care of the Church.

304. Sean Levins was a vulnerable child when placed within the care of the Diocese.

305. Consequently, the Church was in the best position to prevent Sean Levins' abuse, and to learn of Brother Antonio Antonucci's sexual abuse of Sean Levins and stop it.

306. Consequently, the Diocese was in the best position to prevent Sean Levins' abuse, and to learn of Brother Antonio Antonucci's sexual abuse of Sean Levins and stop it.

307. By virtue of the fact that Sean Levins was sexually abused as a minor entrusted to the care of the Church, the Church breached its non-delegable duty to Sean Levins.

308. By virtue of the fact that Sean Levins was sexually abused as a minor entrusted to the care of the Diocese, the Diocese breached its non-delegable duty to Sean Levins.

309. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Church.

310. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Diocese.

311. As a direct result of said conduct, Sean Levins has suffered the injuries and damages described herein.

312. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Sean Levins for compensatory damages and punitive damages, together with interest and costs.

**THIRTEENTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
BREACH OF DUTY IN LOCO PARENTIS**

313. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

314. Sean Levins was a minor when his parents entrusted him to the control of the Church for the purpose of, inter alia, providing Sean Levins with counseling and education.

315. The Church owed a duty to adequately supervise its students to prevent foreseeable injuries.

316. As a result, the Church owed a duty to Sean Levins *in loco parentis*.

317. Sean Levins was a minor when his parents entrusted him to the control of the Diocese for the purposes of, inter alia, providing him with counseling and education.

318. The Diocese owed a duty to adequately supervise its students to prevent foreseeable injuries.

319. As a result, the Diocese owed a duty to Sean Levins *in loco parentis*.

320. The Church breached its duty *in loco parentis*.

321. The Diocese breached its duty *in loco parentis*.

322. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Sean Levins.

323. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Sean Levins.

324. As a direct result of the Church's conduct, Sean Levins has suffered the injuries and damages described herein.

325. As a direct result of the Diocese's conduct, Sean Levins has suffered the injuries and damages described herein.

326. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Sean Levins for compensatory and punitive damages, together with interest and costs.

**FOURTEENTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

327. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

328. At the time Brother Antonio Antonucci molested Sean Levins, which Brother Antonio Antonucci knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Church employed Brother Antonio Antonucci as Sean Levins' mentor and counselor.

329. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Sean Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Church about his character that accompanied that position, to gain Sean Levins' trust and confidence and to create opportunities to violate him.

330. At the time Brother Antonio Antonucci molested Sean Levins, which Brother Antonio Antonucci knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Brother Antonio Antonucci as Sean Levins' mentor and counselor.

331. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Sean Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Sean Levins' trust and confidence and to create opportunities to violate Sean Levins.

332. The Church knew and/or disregarded the substantial probability that Brother Antonio Antonucci's conduct would cause severe emotional distress to Sean Levins.

333. The Diocese knew and/or disregarded the substantial probability that Brother Antonio Antonucci's conduct would cause severe emotional distress to Sean Levins.

334. Sean Levins suffered severe emotional distress, including psychological and emotional injury as described above.

335. This distress was caused by Brother Antonio Antonucci's sexual abuse of Sean Levins.

336. The sexual abuse of Sean Levins was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

337. The Church is liable for Brother Antonio Antonucci's conduct under the doctrine of *respondeat superior*.

338. The Diocese is liable for Brother Antonio Antonucci's conduct under the doctrine of *respondeat superior*.

339. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff Sean Levins for compensatory and punitive damages, together with interest and costs.

**FIFTEENTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

340. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

341. As set forth at length herein, the actions of the Church, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

342. As set forth at length herein, the actions of the Diocese, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

343. The Church's actions endangered Sean Levins' safety and caused him to fear for his own safety.

344. The Diocese's actions endangered Sean Levins' safety and caused him to fear for his own safety.

345. As a direct and proximate result of the Church's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Sean Levins suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

346. As a direct and proximate result of the Diocese's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Sean Levins suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

347. In addition to its own direct liability for negligently inflicting emotional distress on Sean Levins, the Church is also liable for Brother Antonio Antonucci's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

348. At the time Brother Antonio Antonucci breached his duty to Sean Levins, Brother Antonio Antonucci was employed as Sean Levins' mentor and counselor by the Church.

349. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Sean Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Church about his character that accompanied that position, to gain Sean Levins' trust and confidence and to create opportunities to be alone with, and touch, Sean Levins.

350. In addition to its own direct liability for negligently inflicting emotional distress on Sean Levins, the Diocese is also liable for Brother Antonio Antonucci's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

351. At the time Brother Antonio Antonucci breached his duty to Sean Levins, Brother Antonio Antonucci was employed as Sean Levins' mentor and counselor by the Diocese.

352. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Sean Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Sean Levins' trust and confidence and to create opportunities to be alone with, and touch, Sean Levins.

353. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Sean Levins for compensatory damages, and for punitive damages, together with interest and costs.

**SIXTEENTH CAUSE OF ACTION AS TO PLAINTIFF SEAN LEVINS:
BREACH OF STATUTORY DUTY TO REPORT ABUSE
UNDER SOC. SERV. LAW §§ 413 and 420**

354. Plaintiff Sean Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

355. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Church, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

356. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Diocese, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

357. The Church breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Brother Antonio Antonucci of children in its care.

358. The Diocese breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Brother Antonio Antonucci of children in its care.

359. As a direct and/or indirect result of said conduct, Sean Levins has suffered injuries and damages described herein.

360. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Sean Levins for compensatory damages, and for punitive damages, together with interest and costs.

**SEVENTEENTH CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
NEGLIGENCE**

361. Plaintiff Thomas Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

362. The Church knew or was negligent in not knowing that Brother Antonio Antonucci posed a threat of sexual abuse to children.

363. The Diocese knew or was negligent in not knowing that Brother Antonio Antonucci posed a threat of sexual abuse to children.

364. The acts of Brother Antonio Antonucci described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Church.

365. The acts of Brother Antonio Antonucci described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.

366. The Church owed Thomas Levins a duty to protect him from Brother Antonio Antonucci's sexual deviancy, both prior to and/or subsequent to Brother Antonio Antonucci's misconduct.

367. The Diocese owed Thomas Levins a duty to protect him from Brother Antonio Antonucci's sexual deviancy, both prior to and/or subsequent to Brother Antonio Antonucci's misconduct.

368. The Church's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

369. The Diocese's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.

370. At all times material hereto, with regard to the allegations contained herein, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Church.

371. At all times material hereto, with regard to the allegations contained herein, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Diocese.

372. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, grossly negligent and outrageous in its disregard for the rights and safety of Plaintiff, Thomas Levins.

373. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, grossly negligent and outrageous in its disregard for the rights and safety of Plaintiff, Thomas Levins.

374. As a direct and/or indirect result of said conduct, Sean Levins has suffered the injuries and damages described herein.

375. By reason of the foregoing, Defendants jointly, severally and/or in the alternative, are liable to Sean Levins for compensatory damages and punitive damages, together with interest and costs.

**EIGHTEENTH CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
NEGLIGENT HIRING, RETENTION, SUPERVISION, AND/OR DIRECTION**

376. Plaintiff Thomas Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

377. The Church hired Brother Antonio Antonucci.

378. The Diocese hired Brother Antonio Antonucci.

379. The Church hired Brother Antonio Antonucci for a position that required him to work closely with, mentor, and counsel young boys and girls.

380. The Diocese hired Brother Antonio Antonucci for a position that required him to work closely with, mentor, and counsel young boys and girls.

381. The Church was negligent in hiring Brother Antonio Antonucci because it knew, or should have known through the exercise of reasonable care, of Brother Antonio Antonucci's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

382. The Diocese was negligent in hiring Brother Antonio Antonucci because it knew, or should have known through the exercise of reasonable care, of Brother Antonio Antonucci's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

383. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Thomas Levins had he not been hired by the Church to mentor and counsel children in the Church.

384. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Sean Levins had he not been hired by Diocese to mentor and counsel children in the Church.

385. The harm complained of herein was foreseeable.

386. Thomas Levins would have not suffered the foreseeable harm complained of herein but for the negligence of the Church in having placed Brother Antonio Antonucci, and/or allowed Brother Antonio Antonucci to remain in his position.

387. Thomas Levins would have not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Brother Antonio Antonucci, and/or allowed Brother Antonio Antonucci to remain in his position.

388. At all times while Brother Antonio Antonucci was employed or appointed by the Church, he was supervised by the Church and/or its agents and employees.

389. At all times while Brother Antonio Antonucci was employed or appointed by the Church, he was under the direction of, and/or answerable to, the Church and/or its agents and employees.

390. At all times while Brother Antonio Antonucci was employed or appointed by the Diocese, he was supervised by the Diocese and/or its agents and employees.

391. At all times while Brother Antonio Antonucci was employed or appointed by the Diocese, he was under the direction of, and/or answerable to, the Diocese and/or its agents and employees.

392. The Church was negligent in its direction and/or supervision of Brother Antonio Antonucci in that it knew, or should have known through the exercise of ordinary care, that Brother Antonio Antonucci's conduct would subject third parties to an unreasonable risk of harm,

including Brother Antonio Antonucci's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

393. The Church failed to take steps to prevent such conduct from occurring.

394. The Diocese was negligent in its direction and/or supervision of Brother Antonio Antonucci in that it knew, or should have known through the exercise of ordinary care, that Brother Antonio Antonucci's conduct would subject third parties to an unreasonable risk of harm, including Brother Antonio Antonucci's propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

395. The Diocese failed to take steps to prevent such conduct from occurring.

396. The Church was negligent in its retention of Brother Antonio Antonucci in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

397. The Church retained Brother Antonio Antonucci in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

398. The Diocese was negligent in its retention of Brother Antonio Antonucci in that that it knew, or should have known through the exercise of reasonable care, of his propensity to develop inappropriate relationships with children under his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

399. The Diocese retained Brother Antonio Antonucci in his position as mentor and counselor to such children and thus left him in a position to continue such behavior.

400. The Church was further negligent in its retention, supervision, and/or direction of Brother Antonio Antonucci in that Brother Antonio Antonucci sexually molested Plaintiff, Thomas Levins.

401. The Church failed to take reasonable steps to prevent such events from occurring.

402. The Diocese was further negligent in its retention, supervision, and/or direction of Brother Antonio Antonucci in that Brother Antonio Antonucci sexually molested Plaintiff, Thomas Levins.

403. The Diocese failed to take reasonable steps to prevent such events from occurring.

404. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Thomas Levins had he not been negligently retained, supervised, and/or directed by the Church as a mentor and counselor to the infant parishioners of the Church, including Thomas Levins.

405. Brother Antonio Antonucci would not and could not have been in a position to sexually abuse Thomas Levins had he not been negligently retained, supervised, and/or directed by the Diocese as a mentor and counselor to the infant parishioners of the Diocese, including Thomas Levins.

406. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff, Thomas Levins, for compensatory damages and punitive damages, together with interest and costs.

**NINETEENTH CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
BREACH OF FIDUCIARY DUTY**

407. Plaintiff Thomas Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

408. Through the position to which Brother Antonio Antonucci was assigned by the Church, Brother Antonio Antonucci was placed in direct contact with Thomas Levins.

409. Brother Antonio Antonucci was assigned as a priest at the Church, including as a teacher assigned to teach Thomas Levins.

410. It was under these circumstances that Thomas Levins was entrusted to the care of the Church and - under its authority - came to be under the direction, control and dominance of, Brother Antonio Antonucci.

411. As a result, Brother Antonio Antonucci used his position to sexually abuse and harass Thomas Levins.

412. Through the position to which Brother Antonio Antonucci was assigned by the Diocese, Brother Antonio Antonucci was put in direct contact with Thomas Levins, then a minor.

413. As a result, Brother Antonio Antonucci used his position to sexually abuse and harass Thomas Levins.

414. There existed a fiduciary relationship of trust, confidence, and reliance between Thomas Levins and the Church.

415. There existed a fiduciary relationship of trust, confidence, and reliance between Thomas Levins and the Diocese.

416. Pursuant to its fiduciary relationship, the Church was entrusted with the well-being, care, and safety of Thomas Levins.

417. Pursuant to its fiduciary relationship, the Diocese was entrusted with the well-being, care, and safety of Thomas Levins.

418. Pursuant to its fiduciary relationship, the Church assumed a duty to act in the best interests of Thomas Levins.

419. Pursuant to its fiduciary relationship, the Diocese assumed a duty to act in the best interests of Thomas Levins.

420. The Church breached its fiduciary duties to Thomas Levins.

421. The Diocese breached its fiduciary duties to Thomas Levins.

422. At all times material hereto, the Church's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Thomas Levins.

423. At all times material hereto, the Diocese's actions and/or inactions were willful, wanton, malicious, reckless, grossly negligent and/or outrageous in its disregard for the rights and safety of Thomas Levins.

424. As a direct result of said conduct, Sean Levins has suffered the injuries and damages described herein.

425. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Thomas Levins for compensatory and punitive damages, together with interest and costs.

**TWENTIETH CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
BREACH OF NON-DELEGABLE DUTY**

426. Plaintiff Thomas Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

427. Thomas Levins, when a minor, was placed in the care of the Church for the purposes of, inter alia, providing him with a safe environment to receive an education.

428. As a result, there existed a non-delegable duty of trust between Thomas Levins and the Church.

429. When Thomas Levins was a minor, he was placed in the care of the Diocese for the purposes of, inter alia, providing Thomas with a safe environment to receive an education.

430. As a result, there existed a non-delegable duty of trust between Thomas Levins and the Diocese.

431. Thomas Levins was a vulnerable child when placed within the care of the Church.

432. Thomas Levins was a vulnerable child when placed within the care of the Diocese.

433. Consequently, the Church was in the best position to prevent Thomas Levins' abuse, and to learn of Brother Antonio Antonucci's sexual abuse of Thomas Levins and stop it.

434. Consequently, the Diocese was in the best position to prevent Thomas Levins' abuse, and to learn of Brother Antonio Antonucci's sexual abuse of Thomas Levins and stop it.

435. By virtue of the fact that Thomas Levins was sexually abused as a minor entrusted to the care of the Church, the Church breached its non-delegable duty to Thomas Levins.

436. By virtue of the fact that Sean Levins was sexually abused as a minor entrusted to the care of the Diocese, the Diocese breached its non-delegable duty to Thomas Levins.

437. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Church.

438. At all times material hereto, Brother Antonio Antonucci was under the direct supervision, employ and/or control of the Diocese.

439. As a direct result of said conduct, Thomas Levins has suffered the injuries and damages described herein.

440. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Thomas Levins for compensatory and punitive damages, together with interest and costs.

**TWENTY-FIRST CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
BREACH OF DUTY IN LOCO PARENTIS**

441. Plaintiff Thomas Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

442. Thomas Levins was a minor when his parents entrusted him to the control of the Church for the purpose of, inter alia, providing him with counseling and education.

443. The Church owed a duty to adequately supervise its students to prevent foreseeable injuries.

444. As a result, the Church owed a duty to Thomas Levins *in loco parentis*.

445. Thomas Levins was a minor when his parents entrusted him to the control of the Diocese for the purposes of, inter alia, providing Thomas Levins with counseling and education.

446. The Diocese owed a duty to adequately supervise its students to prevent foreseeable injuries.

447. As a result, the Diocese owed a duty to Thomas Levins *in loco parentis*.

448. The Church breached its duty *in loco parentis*.

449. The Diocese breached its duty *in loco parentis*.

450. At all times material hereto, the Church's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Thomas Levins.

451. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Thomas Levins.

452. As a direct result of the Church's conduct, Thomas Levins has suffered the injuries and damages described herein.

453. As a direct result of the Diocese's conduct, Thomas Levins has suffered the injuries and damages described herein.

454. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Thomas Levins for compensatory and punitive damages, together with interest and costs.

**TWENTY-SECOND CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

455. Plaintiff Thomas Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

456. At the time Brother Antonio Antonucci molested Thomas Levins, which Brother Antonio Antonucci knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Church employed Brother Antonio Antonucci as Thomas Levins' mentor and counselor.

457. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Thomas Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Church about his character that accompanied that position, to gain Thomas Levins' trust and confidence and to create opportunities to violate him.

458. At the time Brother Antonio Antonucci molested Thomas Levins, which Brother Antonio Antonucci knew would cause, or disregarded the substantial probability that it would cause, severe emotional distress, the Diocese employed Brother Antonio Antonucci as Thomas Levins' mentor and counselor.

459. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Thomas Levins' trust. Brother Antonio Antonucci used his position, and the representations made

by the Diocese about his character that accompanied that position, to gain Thomas Levins' trust and confidence and to create opportunities to violate Thomas Levins.

460. The Church knew and/or disregarded the substantial probability that Brother Antonio Antonucci's conduct would cause severe emotional distress to Thomas Levins.

461. The Diocese knew and/or disregarded the substantial probability that Brother Antonio Antonucci's conduct would cause severe emotional distress to Thomas Levins.

462. Thomas Levins suffered severe emotional distress, including psychological and emotional injury as described above.

463. This distress was caused by Brother Antonio Antonucci's sexual abuse of Thomas Levins.

464. The sexual abuse of Thomas Levins was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

465. The Church is liable for Brother Antonio Antonucci's conduct under the doctrine of *respondeat superior*.

466. The Diocese is liable for Brother Antonio Antonucci's conduct under the doctrine of *respondeat superior*.

467. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff Thomas Levins for compensatory and punitive damages, together with interest and costs.

**TWENTY-THIRD CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

468. Plaintiff Thomas Levins repeats and realleges by reference each and every allegation set forth above as if fully set forth herein.

469. As set forth at length herein, the actions of the Church, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.

470. As set forth at length herein, the actions of the Diocese, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.

471. The Church's actions endangered Thomas Levins' safety and caused him to fear for his own safety.

472. The Diocese's actions endangered Thomas Levins' safety and caused him to fear for his own safety.

473. As a direct and proximate result of the Church's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Thomas Levins suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

474. As a direct and proximate result of the Diocese's actions, which included but were not limited to, negligent and/or grossly negligent conduct, Thomas Levins suffered the severe injuries and damages described herein, including but not limited to, mental and emotional distress.

475. In addition to its own direct liability for negligently inflicting emotional distress on Thomas Levins, the Church is also liable for Brother Antonio Antonucci's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

476. At the time Brother Antonio Antonucci breached his duty to Thomas Levins, Brother Antonio Antonucci was employed as Thomas Levins' mentor and counselor by the Church.

477. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Sean Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Church about his character that accompanied that position, to gain Thomas Levins' trust and confidence and to create opportunities to be alone with, and touch, Thomas Levins.

478. In addition to its own direct liability for negligently inflicting emotional distress on Thomas Levins, the Diocese is also liable for Brother Antonio Antonucci's negligent infliction of emotional distress under the doctrine of *respondeat superior*.

479. At the time Brother Antonio Antonucci breached his duty to Thomas Levins, Brother Antonio Antonucci was employed as Thomas Levins' mentor and counselor by the Diocese.

480. It was part of Brother Antonio Antonucci's job as role model and mentor to gain Thomas Levins' trust. Brother Antonio Antonucci used his position, and the representations made by the Diocese about his character that accompanied that position, to gain Thomas Levins' trust and confidence and to create opportunities to be alone with, and touch, Thomas Levins.

481. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Thomas Levins for compensatory damages, and for punitive damages, together with interest and costs.

**TWENTY-FOURTH CAUSE OF ACTION AS TO PLAINTIFF THOMAS LEVINS:
BREACH OF STATUTORY DUTY TO REPORT ABUSE
UNDER SOC. SERV. LAW §§ 413 and 420**

482. Plaintiff Thomas Levins repeats and realleges each and every allegation set forth above as if fully set forth herein.

483. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Church, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

484. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Diocese, including but not limited to its teachers, administrators, and other school personnel, had a statutorily imposed duty to report reasonable suspicion of abuse of children in its care.

485. The Church breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Brother Antonio Antonucci of children in its care.

486. The Diocese breached that statutory duty by knowingly and willfully failing to report reasonable suspicion of abuse by Brother Antonio Antonucci of children in its care.

487. As a direct and/or indirect result of said conduct, Thomas Levins has suffered injuries and damages described herein.

488. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Thomas Levins for compensatory damages and punitive damages, together with interest and costs.

WHEREFORE, it is respectfully requested that the Court grant judgment in this action in favor of the Plaintiffs, and against the Defendants, in a sum of money in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with all applicable interest, costs, disbursements, as well as punitive damages, and such other, further and different relief as the Court in its discretion shall deem to be just, proper and equitable.

Plaintiffs further places Defendants on notice and reserves the right to interpose claims sounding in Fraudulent Concealment, Deceptive Practices and/or Civil Conspiracy should the facts and discovery materials support such claims.

Dated: New York, New York
September 18, 2019

Yours, etc.,



By: Adam P. Slater, Esq.
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-and-

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ATTORNEY'S VERIFICATION

Adam P. Slater, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2106 of the CPLR:

Your affirmant is a partner of SLATER SLATER SCHULMAN, LLP, attorneys for the Plaintiff in the within action;

That he has read the foregoing Complaint and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Affirmant further states that the source of his information and the grounds for his belief are derived from interviews with the Plaintiff and from the file maintained in the normal course of business.

Affirmant further states that the reason this verification is not made by the Plaintiff is that the Plaintiff is not presently within the County of New York, which is the county wherein the attorneys for the Plaintiff herein maintain their offices.

Dated: Melville, New York
September 18, 2019



Adam P. Slater, Esq.

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF SUFFOLK

-----X
ROBERT LEVINS, SEAN LEVINS, and THOMAS
LEVINS

Index No.:

Plaintiffs,

- against -

THE DIOCESE OF ROCKVILLE CENTRE and
INFANT JESUS ROMAN CATHOLIC CHURCH

Defendants.
-----X

SUMMONS & VERIFIED COMPLAINT

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CERTIFICATION

Pursuant to 22 NYCRR §130-1.1-a, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, certifies that, upon information and belief, and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of the aforesaid section.



Adam P. Slater, Esq.

Gary Certain, Esq.